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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Jesus RIVERA-Ramirez, Defendant.	Mag. Case No. '08 MJ 8588 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about June 26, 2008, within the Southern District of California, defendant Jesus RIVERA-Ramirez, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF JUNE 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent M. Miranda declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this Statement is based upon the investigative reports of Border Patrol Agent M. Lemus, that the Defendant, Jesus RIVERA-Ramirez a native and citizen of Mexico, was found and arrested on or about June 26, 2008, approximately seven miles east of Calexico, California.

At approximately 8:30 p.m. the Calexico Border Patrol Station's Remote Video Surveillance System (RVSS) Operator notified Agent S. Riddell he had observed a group of individuals make an illegal entry into the United States. With the assistance of the RVSS operator, Agent Riddell located the group. As Agent Riddell approached the group he identified himself and questioned the illegal entrants, including one individual later identified as Jesus RIVERA-Ramirez. It was determined RIVERA and the other illegal entrants were citizens of Mexico illegally in the United States. All subjects were placed under arrested

Once at the Station, a record check of RIVERA revealed he has been previously removed from the United States on January 11, 2007. A further record check revealed RIVERA has a serious criminal history.

There is no evidence RIVERA has sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being deported

Executed on June 28, 2008, at 9:00 AM.

[signature]

Marco Miranda
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on June 26, 2008 in violation of Title 8, United States Code, 1326

[signature] 6/28/08 0900

United States Magistrate Judge Date/Time

8/28/08 at 9:32 am